

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 12584 of Thomas W. Wehman, pursuant to Paragraph 8207.11 of the Zoning Regulations, for a variance from the prohibition against creating a lot that does not conform to the Zoning Regulations (Sub-section 1302.1) to convert an apartment building with six units into two flats not meeting the lot width lot area and lot occupancy requirements in the R-4 District at the premises 1116-1118 F Street, N.E., (Square 983, Lot 863).

HEARING DATE: February 15, 1978
DECISION DATE: March 1, 1978

FINDINGS OF FACT:

1. The application was advertised to permit the conversions of the apartment building into two single-family dwellings. At the hearing, the applicant stated his intention to convert the building into two flats. The application form so states, and the plans filed with the building so reflect. The standards for a flat and a row dwelling are the same as far as the requested variances are concerned.

2. The subject property is located on the north side of F Street between 11th and 12th Street facing Maryland Avenue, N.E. and is in an R-4 District.

3. The subject site comprises approximately 3,500 square feet and, until March 21, 1954, was known as Lots 33 and 34 in Square 983. Each of the previous lots was improved with an apartment building. Each lot was 16.355 feet wide and 110 feet in depth, and each building occupied approximately 70.4 percent of the lot. A Certificate of Occupancy No. B-68006, was issued June 9, 1971 for a six unit apartment house.

4. In March 1954, the following changes occurred at the two premises: 1) A triangular section, approximately 100 square feet in area, was sold off the northeast corner of Lot 34, known as 1118 F Street, N.W., to provide alley access to the abutting

property at 1120 F Street, N.W.; 2) A single heating unit to service both premises was installed in the basement of one of the buildings and a doorway was created in the common wall in the basement; 3) In light of the aforementioned structural change the tax assessor's office designated the two properties as a single lot, number 863.

5. The three existing apartment units in each of the two buildings are sub-standard in that the front and rear of each unit is interrupted by a common hallway. There are numerous other building and housing code violations in both buildings and extensive and expensive repair work would be necessary to bring the buildings into conformance with city regulations.

6. The applicant seeks to redefine the separate building structures on separate record lots of the same dimensions as existing prior to 1954 and prior to passage of the Zoning Regulation from which the applicant seeks this variance. No building permits can be issued unless record lots exist and record lots cannot be created here without zoning variances since the proposed subdivision between the existing buildings would result in substandards lots.

7. As to the premises at 1116 F Street, N.E. the applicant seeks a lot area variance of 1.50 square feet (0.08 per cent), a lot width variance of 1.65 feet (9.16 per cent) and a lot occupancy variance of 188.03 square feet (17.42 per cent).

8. As to the premises 1118 F Street, N.E. applicant seeks a lot area variance of 101.75 square feet (5.65 per cent), a lot width variance of 1.65 feet (9.19 per cent) and a lot occupancy variance of 248.18 square feet (24.36 per cent).

9. At the present time both buildings are vacant except for a caretaker on the first floor of 1118 F Street, N.E.

10. The subject property is situated in the middle of many large apartment buildings.

11. There was no opposition to the application at the Public Hearing and no opposition of record.

12. Advisory Neighborhood Commission 6A made no recommendation on the application.

13. The Capitol Hill Restoration Society, Inc. voted unanimously to support the application on the grounds that they were not aware of any community opposition. The Society stated that the circumstances whereby the tax assessor created a single large lot containing 2 large principal structures were unusual and presented the applicant with exceptional and undue economic hardship as well as practical difficulties since it would be impractical and uneconomic to attempt to restore and sell the property as a single unit. The Society also noted that a reduction in density would result, since two buildings having three apartment units each would be converted to two 2-family dwellings. Such a plan is in keeping with the spirit of the R-4 District.

CONCLUSIONS OF LAW:

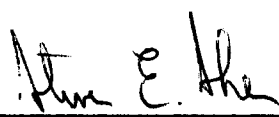
Applicant seeks area variances the granting of which requires the showing of a practical difficulty stemming from the property itself. The Board concludes that there is a practical difficulty inherent in the subject property stemming from the prior subdivision of two record lots into one tax lot.

The Board concludes that in view of the economic hardship and practical difficulties the strict application of the Zoning Regulations would work upon the applicant in attempting to use two large buildings in a single lot, and in view of the benefits of reduced density, the application can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the zone plan. Accordingly, it is ORDERED that the application is GRANTED.

VOTE: 4-0 (Charles R. Norris, William F. McIntosh and Chloethiel Woodard Smith to grant, John G. Parsons to grant, by proxy, Leonard L. McCants not voting , not having heard the case)

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY: _____


STEVEN E. SHER
Executive Director

Application No. 12584

Page 4

FINAL DATE OF ORDER: 28 MAR 1978

THAT THE ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS ONLY UNLESS APPLICATION FOR A BUILDING AND/OR OCCUPANCY PERMIT IS FILED WITH THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT WITHIN A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER.